

THE COURTS.

A QUESTION OF FEDERAL COURT JURISDICTION.

In the case of Gazzaway v. B. Laman agt. Charles A. Dan, as Assistant Secretary of the State, the court held that, in April, 1865, at Macon, Georgia, the day before, by the authority and with the approval of the President, he signed the plaintiff took him to Washington, and imposed there, without any reasonable or probable cause, three months. One hundred thousand dollars damages is claimed for such illegal seizure and imprisonment. The action is removed to the United States Circuit Court, and was removed from that Court to the United States Circuit Court, on the application of the defendant. The plaintiff now moves to remand the case to the State Court, on the ground that the Federal Court has no jurisdiction to hear and determine it. In the course of a long decision denying the motion in this case, yesterday in the United States Circuit Court, Judge Woodard said:

By section 5 of the Act of Congress of March 3, 1863 (13 U. S. Stat. at Large, p. 765), it is enacted that if any suit or proceeding, civil or criminal, has been, or shall be commenced in any court or other tribunal, or any other person for any arrest or imprisonment, or any other trespass done at any time during the present rebellion, by virtue, or under color of any authority derived, or exercised, by or under the President, or any member of his cabinet, or any other person in the service of the country, in the act may have been removed by trial to the Circuit Court of the United States, and it is made the duty of the State Court to proceed no further than to a trial of the cause, within the operation of that act. The motion, therefore, must be denied.

PACIFIC MAIL INJUNCTION ARGUMENTS.

The motion to continue the injunction lately granted in the suit of Orlando W. Judson against the Pacific Mail Steamship Co., restraining the latter from reducing its capital stock from \$20,000,000 to \$10,000,000 in accordance with the act of May 11, 1872, was argued before Justice Lawrence in the Common Pleas Chamber. Mr. Stoughton said that the act was unconstitutional, because the Legislature had no power to compel a stockholder to sell his stock; and if it could direct the sale on the consent of one stockholder or holders, it might be unconstitutional.

He said, "As to their proposed move to require the sale of the real estate and other property of the Company, and would render the same useless under the act of incorporation, I do not know what can be done, but it may have been made the duty of the State Court to proceed no further than to a trial of the cause, within the operation of that act."

The motion, therefore, must be denied.

APPLICATION FOR ANOTHER RAILWAY INJUNCTION.

In the Supreme Court Chambers, yesterday, the case of Wolfe against the Northern Pacific Railroad Company came up before Judge Barrett on a motion for an injunction to prevent the officers of the Company from using the subscriptions for bonds of the Company in purchasing a stock of other railroads. Counsel for the Company were present, and requested that the case be removed into the United States Court, and requested further time. Judge Barrett set down the cause for Monday, when he will argue for removal of the suit to the Court of Appeals, and will then rule on the injunction.

The motion to continue the injunction was denied, and reference was made to E. B. Foote, M. D., to confer with the railroad company.

RESOLUTION ADOPTED.

Preamble and resolution in relation to the death of James Gordon Bennett. Unanimously adopted.

That Assistant Alderman, Mr. C. C. Van Slyck, and Strack be authorized to call a Special Committee to confer with the heads of departments, and recommend the adoption of a standard rate of wages for laborers, and not to be less than \$20 per day for eight working hours.

That a Joint Committee of the Board, consisting of the officers of the Supreme and Superior, Common Pleas, Marine and General Sessions Courts, as provided by Chapter 452, Laws of 1872.

That that Board dispense with the services of a Reader, and that the Deputy Clerk perform the services, and that his salary be increased \$1,000.

RESOLUTIONS REFERRED.

That permission be granted the property owners in Seventy-first-st., from Third to Fourth-ave, to pave the street with cobble stone.

That Seventy-fourth-, from Fifth-ave, to Third-ave, be paved with cobble stone.

That the Board dispense with the services of a Reader, and that the Deputy Clerk perform the services, and that his salary be increased \$1,000.

That permission be granted the right to repair or alter the same at any time, and that plaintiff admits that the property of the Company is over \$20,000,000, and, therefore, as the claims of operators are not settled, and the Company is in a position to meet its obligations to the stockholders, it might be unconstitutional.

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